

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 75198

Wilford Clemmer  
Elizabeth Clemmer

21 Contact Court

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 18, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-5-302, 302 (b)(1)(3); 35-2-404 (A), failure to repair/replace front gutter in disrepair on residential property zoned DR 5.5 known as 21 Contact Court, 21220.

On July 19, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$6,600.00 (six thousand six hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 5, 2010 for repair of exterior, repair/replace gutter downspout. According to State tax records, the property was sold to Respondents effective April 27, 2010. A Citation was issued to Respondents on May 10, 2010. That Citation was dismissed, but serves as a Correction Notice to Respondents. This Citation was issued on July 19, 2010.

B. Photographs in the file show a detached single-family house with white siding. The front gutter is partially detached from the roof and does not appear to be capable of channeling rainwater properly to downspouts. The window awning under the gutter shows discoloration and damage from cascading water from the damaged gutter area.

C. This is an investment property. Respondents are required by law to maintain the exterior of this rental property at least in conformance with county code standards, including maintaining the roof and gutters properly to protect the house from improper water drainage. BCC Article 35, Title 2, Subtitle 4 (Maintenance of Investment Property); BCC Article 35, Title 5, Subtitle 2 (Rental Property). Respondents have failed to maintain this property and have permitted significant deterioration. This kind of inadequate maintenance of investment property is detrimental to communities. See BCC 35-2-402. This Citation will be enforced.

D. Because compliance is the goal of code enforcement, the civil penalty will be substantially reduced if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violation is corrected by October 5, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 20<sup>th</sup> day of August 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

MZF/jaf